
UNITED STATES DISTRICT COURT
District of Minnesota

JUDGMENT IN A CIVIL CASE

Joseph H. Whitney

Plaintiff/Counter Defendant,

v.

The Guys, Inc., *a Delaware corporation*, Agora
Solution Corp., *a Delaware corporation*,
MyBillingServices, Inc., *a Delaware*
corporation, Info Billing, Inc., *a Delaware*
corporation, MyTeleservices, Inc., *a Delaware*
corporation, LaurenTel, Inc., *a Delaware*
corporation, GreenTreeData, Inc., *a Delaware*
corporation, MyBillingGuys, LLC, *a Delaware*
limited liability company, LowCostBilling, Inc.
a Delaware corporation, YourBillingSolutions,
Inc., *a Delaware corporation*, MySuperLotto,
Inc., *a Delaware corporation*, MyPrizeAwards
Corp., *a Delaware corporation*,
MyServiceAndSupport, Inc., *a Delaware*
corporation, XYZ, Inc., John R. Morrison,

Case Number: 10-cv-4296 JRT/FLN

Defendants/Counter Claimants

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED THAT:

1. Defendants' Motion for Summary Judgment [Docket No. 87] is GRANTED in part and DENIED in part.
 - a. The motion is GRANTED to the extent it seeks dismissal of Plaintiff's claims on statute of limitations grounds.
 - b. The motion is DENIED in all other respects.
 - c. Plaintiff's claims for an accounting (Count VII), breach of shareholder rights (Count VIII), and breach of fiduciary duty (Count IX) are DISMISSED with prejudice.

2. Plaintiff's Motion for Partial Summary Judgment [Docket No. 91] is GRANTED in part and DENIED in part.

a. The motion is GRANTED to the extent it seeks dismissal of Defendants' counterclaims on statute of limitations grounds.

b. The motion is DENIED in all other respects.

c. Defendants' counterclaims for conversion (Count I), civil theft (Count II), unjust enrichment (Count III), and fraud (Count IV) are DISMISSED with prejudice.

Date: September 23, 2014

RICHARD D. SLETTEN, CLERK

s/L.Sampson

(By)

L.Sampson, Deputy Clerk